

By: Talarico, Bernal

H.B. No. 2991

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of disciplinary alternatives to suspension by a
3 school district and the creation of the restorative justice
4 coordinating council.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Section 37.0013, Education Code,
7 is amended to read as follows:

8 Sec. 37.0013. POSITIVE BEHAVIOR AND RESTORATIVE JUSTICE
9 PROGRAM.

10 SECTION 2. Section 37.0013, Education Code, is amended by
11 amending Subsection (a) and adding Subsection (a-1) to read as
12 follows:

13 (a) Each school district and open-enrollment charter school
14 shall ~~may~~ develop and implement a program, in consultation with
15 campus behavior coordinators employed by the district or school and
16 representatives of a regional education service center, through
17 which the district or school may provide an ~~[that provides a~~
18 ~~disciplinary]~~ alternative to suspension for a student enrolled in
19 any ~~[a]~~ grade level ~~[below grade three]~~ who engages in conduct
20 described by Section 37.005(a), including conduct that violates a
21 penal law of this state ~~[and is not subject to Section 37.005(c)]~~.

22 The program must:

- 23 (1) be age-appropriate and research-based;
24 (2) provide models for positive behavior;

1 (3) promote a positive school environment;

2 (4) provide alternative disciplinary courses of
3 action that do not rely on the use of in-school suspension,
4 out-of-school suspension, or placement in a disciplinary
5 alternative education program to manage student behavior; and

6 (5) provide behavior management strategies,
7 including:

8 (A) positive behavioral intervention and
9 support;

10 (B) trauma-informed practices;

11 (C) social and emotional learning;

12 (D) a referral for services, as necessary; and

13 (E) restorative justice practices.

14 (a-1) In this section, "restorative justice practices"
15 means practices that emphasize repairing harm caused by a person's
16 conduct to another person or to the community. The term includes a
17 victim-initiated conference, a family group conference, a
18 restorative circle, a community conference, or any other
19 victim-centered practice.

20 SECTION 3. Chapter 37, Education Code, is amended by adding
21 Subchapter H to read as follows:

22 SUBCHAPTER H. RESTORATIVE JUSTICE COORDINATING COUNCIL

23 Sec. 37.251. DEFINITIONS. In this subchapter:

24 (1) "Council" means the restorative justice
25 coordinating council established under this subchapter.

26 (2) "Restorative justice" means an approach to justice
27 that emphasizes repairing harm caused by a person's conduct to

1 another person or to the community.

2 Sec. 37.252. ESTABLISHMENT; PURPOSES. The restorative
3 justice coordinating council is established to assist the agency
4 and school districts in developing and delivering restorative
5 justice programs and training, including by:

6 (1) serving as a central repository for restorative
7 justice information; and

8 (2) providing technical assistance to school
9 districts in providing or developing restorative justice programs.

10 Sec. 37.253. COUNCIL MEMBERS; TERMS. (a) The council
11 consists of 15 members as follows:

12 (1) one member representing the agency, appointed by
13 the commissioner;

14 (2) one member representing a regional education
15 service center, appointed by the commissioner;

16 (3) three members representing public school
17 educators, who must include a classroom teacher, a principal, and a
18 superintendent, appointed by the commissioner;

19 (4) one member who is a victim's advocate with
20 experience in restorative justice practices, appointed by the chair
21 of the Texas Judicial Council;

22 (5) one member representing a statewide nonprofit
23 organization with expertise in restorative justice policy,
24 appointed by the chair of the Texas Judicial Council;

25 (6) three members who are restorative justice
26 practitioners, appointed by the chair of the Texas Judicial
27 Council;

1 (7) one member representing the Texas Department of
2 Criminal Justice, appointed by the executive director of the
3 department;

4 (8) one member representing the Board of Pardons and
5 Paroles, appointed by the presiding officer of the board;

6 (9) one member representing the Texas Juvenile Justice
7 Department, appointed by the executive director of the department;
8 and

9 (10) two members who are district, county, or
10 municipal court judges or justices of the peace, appointed by the
11 chair of the Texas Judicial Council.

12 (b) A council member shall serve a two-year term.

13 Sec. 37.254. RESTORATIVE JUSTICE DATABASE. (a) The
14 council shall develop and maintain a database of restorative
15 justice programs used by school districts in the state.

16 (b) The council shall review and, if necessary, update the
17 database at least once each year.

18 Sec. 37.255. REPORT. Not later than December 1 of each
19 even-numbered year, the council shall submit to the governor, the
20 lieutenant governor, and the speaker of the house of
21 representatives a report on the council's activities in the
22 preceding biennium and any recommendations for legislative or other
23 action.

24 SECTION 4. Section 37.0013, Education Code, as amended by
25 this Act, applies beginning with the 2019-2020 school year.

26 SECTION 5. (a) Not later than December 1, 2019, the
27 appropriate appointing authorities shall appoint the members of the

1 restorative justice coordinating council established under
2 Subchapter H, Chapter 37, Education Code, as added by this Act.

3 (b) Not later than September 1, 2020, the restorative
4 justice coordinating council shall develop the restorative justice
5 database required by Section 37.254, Education Code, as added by
6 this Act.

7 (c) Not later than December 1, 2020, the restorative justice
8 coordinating council shall submit its initial report required under
9 Section 37.255, Education Code, as added by this Act.

10 SECTION 6. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2019.